

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
BATESVILLE DIVISION**

JOHN TAYLOR  
ADC #123066

PLAINTIFF

V.

NO: 1:07CV00007 SWW

JAMES BANKS *et al.*

DEFENDANTS

**ORDER**

The Court has reviewed the Proposed Findings and Recommended Disposition submitted by United States Magistrate Judge H. David Young, and the objections filed. After carefully considering the objections and making a *de novo* review of the record in this case, the Court concludes that the Proposed Findings and Recommended Disposition should be, and hereby are, approved and adopted in their entirety as this Court's findings in all respects.<sup>1</sup>

In addition, the Court has reviewed and hereby denies (1) plaintiff's motion [doc.#47] for reconsideration of this Court's Order adopting the Magistrate Judge's Partial Report and Recommendations that plaintiff's motion for preliminary injunction be denied, (2) plaintiff's motion [doc.#46] for the appointment of counsel, and (3) plaintiff's motion [doc.#45] for this Court to extend the time in rendering its decision so that plaintiff may request the intervention of the Governor of the State of Arkansas.

**IT IS THEREFORE ORDERED THAT:**

1. Defendants' motion to dismiss (docket entry #20) is GRANTED, and Plaintiff's complaint is DISMISSED WITHOUT PREJUDICE.

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<sup>1</sup> Plaintiff seeks a transfer to another facility, stating that he fears for his safety, but, as noted by the Magistrate Judge, plaintiff has not identified any specific inmates who have threatened him, he has not alleged that he has had any inmates placed on his enemy alert list, and his allegations of threats are vague.

2. Plaintiff's motions for reconsideration [doc.#47], for the appointment of counsel [doc.#46], and for an extension of this Court's ruling [doc.#45], be and they hereby are denied.

3. The Court certifies that an *in forma pauperis* appeal taken from the order and judgment dismissing this action is considered frivolous and not in good faith.

DATED this 13<sup>th</sup> day of June, 2007.

/s/Susan Webber Wright

UNITED STATES DISTRICT JUDGE